

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MYRTIS PAULO HART,

Plaintiff,

v.

No. 2:21-cv-01136-KWR-KBM

LIL CAESARS,

Defendant.

ORDER OF DISMISSAL

THIS MATTER is before the Court following Plaintiff's failure to prosecute this civil action. Plaintiff is incarcerated and proceeding *pro se*. He seeks damages against Lil Caesars Pizza for alleged discrimination. (Doc. 1). By an Order entered December 15, 2021, the Court directed Plaintiff to prepay the \$402 civil filing fee or submit a motion to proceed *in forma pauperis*. (Doc. 2). The Order warned that the failure to timely comply would result in dismissal without further notice. The Order was initially returned as undeliverable. The Court re-mailed the Order to a new address on December 29, 2021. Plaintiff failed to address the filing fee or respond by the original compliance deadline (January 14, 2022) or within thirty days of the second mailing (January 28, 2022). Accordingly, the Court will dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the ... court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS ORDERED that Plaintiff's Claim for Damage, Injury, or Death (**Doc. 1**) is **DISMISSED WITHOUT PREJUDICE** and the Court will enter a separate judgment.

IT IS SO ORDERED.


KEA W. RIGGS
UNITED STATES DISTRICT JUDGE